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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Jay Paul Drummond, et al.

Serial No.: **09/193,791**

Filed: **November 17, 1998**

Title: **Automated Banking Machine
Apparatus and System**

Art Unit 2164

Patent Examiner
James S. Bergin

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JUN 25 2002

GROUP 3600

Board of Patent Appeals and Interferences
Commissioner for Patents
Washington, D.C. 20231

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BRIEF OF APPELLANTS PURSUANT TO 37 C.F.R. § 1.192

Sir:

The Appellants hereby submit their Brief pursuant to 37 C.F.R. § 1.192, in triplicate,
concerning the above-referenced Application.

REAL PARTY IN INTEREST

The Assignee of all right, title and interest to the above-referenced Application is
Diebold, Incorporated, an Ohio corporation.

RELATED APPEALS AND INTERFERENCES

Appellants believe that there are no related appeals or interferences pertaining to this matter.

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STATUS OF CLAIMS

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Claims 1-20 are pending in the Application.

Claims 1-20 were rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Semple et al. (hereinafter "Semple").

Claims 1-20 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over the article "U.S. Bancorp, Microsoft Paving New Roads to On-line Banking" (hereinafter "U.S. Bancorp").

These rejections were the only rejections present in the Office Action ("Action") dated January 29, 2002, which was made Final. Appellants appeal the rejections of the claims, inclusive.

STATUS OF AMENDMENTS

A final rejection was made January 29, 2002. No amendments to the claims were requested to be admitted after the final rejection.

SUMMARY OF INVENTION

Overview of the Invention

An exemplary embodiment of the present invention is directed to an apparatus including an ATM (12). The ATM includes a computer (34) in operative connection with an output device (e.g., a display device 30) and a currency sheet dispenser (42). Software is executable in the computer. The software includes a browser (76). During operation of the currency sheet dispenser (42) the software is operative to provide an output through the display device (30) responsive to an HTML document accessed by the browser. The HTML document includes instructions which are operative when processed by the browser, to both provide the output through the display device (30) and to cause the computer to operate the currency sheet dispenser (42) to dispense a currency sheet. The output, such as such as advertising, can be displayed while the customer is waiting for the currency sheet dispenser to operate.

The address of the HTML document that is accessed may be determined from input customer data, such as card data. A customer's card may include indicia which corresponds to a uniform resource locator ("URL") address associated with customer information. The data necessary to derive the address for accessing documents associated with a customer could also be derived from biometric data input by a customer.

The customer information may include customer preference information. The accessed HTML document may include advertising or a customer message. The accessed document may also include instructions which cause the ATM to access or generate another document. These instructions may invoke features which depend on the information associated with the customer,

the particular ATM, the current time, and/or other circumstances. It should be understood that these documents may be accessed through the Internet. The apparatus makes it possible for operators of ATMs to present targeted advertising to individual customers. The advertising may even be selectively presented based on the particular customer, the particular transaction function device being used, the amount of funds involved, and/or other banking parameters.

CONCISE STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The questions presented in this appeal are:

- 1). Whether Appellants' claims 1-20 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Semple.
- 2). Whether Appellants' claims 1-20 are unpatentable under 35 U.S.C. § 103(a) over U.S. Bancorp.

GROUPING OF CLAIMS

No groups of claims stand or fall together. Each of Appellants' claims recites at least one element, combination of elements, or step not found or suggested in the applied references, which patentably distinguishes the claims.

Every claim recites additional features of the invention which distinguishes the claim over every other pending claim.

The pending claims include five independent claims (claims 1, 2, 4, 7, and 13). Claims 3 and 15 depend from claim 1. Claims 5-6 depend from claim 4. Claims 8-12 and 16-17 depend from claim 7. Claims 14 and 18-20 depend from claim 13. All pending claims are reproduced in the Appendix.

ARGUMENT

The Applicable Legal Standards

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used

or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

The Semple Reference

Semple is directed to providing Internet access using an ATM system (210). The ATM system (210) is a modified ATM (col. 2, lines 64-66) made to act as an Internet "port" (col. 1, lines 19, 54, and 65; col. 2, lines 2, 4, and 53) to provide separate Web access capability. A user can press a "Web access" key (230) to access the Internet (214) to surf the Internet (col. 6, lines 10-12). Semple desires that users access geographic information (col. 1, lines 17, 31, 49-50; col. 2, lines 8-9). For example, a user can access the Web to acquire location information, such as directions or map information (col. 4, lines 61-67).

The U.S. Bancorp Article

The U.S. Bancorp article is directed to the desirability of PC home banking. The article refers to the "project", "development", "vision", and how it "aspires" to make banking "available in the home through the PC."

The detail-deficient information provided in the U.S. Bancorp article can be likened to science fiction literature prior to the age of space travel. The desire for space travel was dreamed of for many decades while mankind lacked the necessary information to actually reduce it to practice. The U.S. Bancorp article corresponds to a dream related to the future of PC home banking. For example, the document states that "it aspires to make a full-service branch available in the home through the PC" and "The vision is that the customer would be able to do everything on-line that they can now do in a branch." Part of this aspiration (i.e., dream) would be to "download cash and make deposits." However, the document does not explain how a home

PC could enable the PC user to dispense a currency note (receive cash bills from the PC), or deposit a currency note (deposit cash bills into the PC), or cash a check (receive cash bills from the PC). That is, the dream of the article's future PC home banking capabilities are far from the real available transaction capabilities of a PC, which do not include many transactions that are easily performed at a bank branch. The article at best appears limited to suggesting that home PC users could make transfers (e.g., download cash and make deposits) between accounts and use "a live teller through two-way full-motion video."

(iii) 35 U.S.C. § 102

Sample does not teach each and every feature, relationship and/or step of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejections. Thus, it is respectfully submitted that the 35 U.S.C. § 102(e) rejections should be withdrawn.

The Action Is Defective

Appellants submit that the Action does not comply with the rules of the Patent Office. Pursuant to 37 C.F.R. § 1.104 (c) (2) the particular part of the Sample reference relied on was supposed to be designated as nearly as practicable. Additionally, the pertinence of the Sample reference was supposed to be clearly explained and each rejected claim specified. 37 C.F.R. § 1.104 and § 1.113. Further, the rejection was supposed to be "fully and clearly stated" as required by MPEP 707.07(d). It is respectfully submitted that the Action does not meet these burdens. For these reasons the rejections should be withdrawn.

The Action fails to provide Appellants with an element by element analysis of each claim, and an indication of where the elements in each claim are found in Semple. The Action is mostly silent as to which elements, if any, in Semple constitute the recited features. The Action does not state in any way that is reasonably understandable by Appellants, where the features recited in Appellants' claims are allegedly found in Semple. Rather the Action relies on only a two (2) sentence paragraph to anticipate the twenty (20) pending claims.

Because the Action fails to apply the Semple reference to the claims, Appellants have been forced to speculate as to possible rationales for the rejections. However, the Patent Office bears the burden of citing and applying prior art in a clear manner to support any rejections made. Hence, the failure by the Office to indicate that the recited claim features are found in the applied Semple reference constitutes Agency action under the Administrative Procedures Act acknowledging that the Semple reference does not anticipate the recited claim features. That is, the Action's failure to clearly identify on the record the allegedly recited features in the Semple reference has been taken as an admission by the Office that the Semple reference does not teach the recited features. It follows that Appellants' claims cannot be anticipated.

Nevertheless, Appellants have reviewed the Semple reference and have determined that for the reasons stated herein that the Semple reference, taken as a whole, clearly does not teach the features and relationships recited in Appellants' claims. Therefore, the claims cannot be anticipated by the Semple reference.

Appellants desire to prevent prosecution delay. Thus, Appellants request that a decision be rendered based on the facts of record as set forth in the Action dated January 29, 2002 from which their appeal was taken.

The Pending Claims Are Not Anticipated By Semple

In the Action claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Semple. These rejections are respectfully traversed.

The Action alleges that "Semple et al. disclose an ATM machine comprising sheet dispensers for performing various functions such as dispensing banknotes, printout etc. The Semple et al. ATM uses a web browser interface, through which interface the various functions of a normal ATM machine are accessed by a user (see abstract, and column 4, line 5 - column 5, line 37)." The Appellants respectfully disagree.

Claim 1

Claim 1 is an independent claim directed to an apparatus. Semple does not disclose at least the feature:

- software executable in the computer, wherein the software includes a browser, and wherein during operation of the currency sheet dispenser the software is operative to provide an output through the output device responsive to a document accessed by the browser.

Semple does not teach the capability of providing an output through an output device during operation of a currency sheet dispenser, especially where the output is provided responsive to a document accessed by a browser. That is, Semple does not teach providing an output responsive to an accessed document, especially during operation of a currency sheet dispenser. Where does Semple teach providing an output through an output device during operation of a currency sheet dispenser? Where does Semple teach providing an output through an output device during operation of a currency sheet dispenser, where the output is provided responsive to a document accessed by a browser?

In Semple the ATMs are modified to include separate Web access capability. That is, ATM transactions do not require Internet access. It appears that Semple permits ATM transactions without Internet usage, and Internet usage without ATM transactions. Semple does not teach that a currency sheet dispenser can operate during an Internet session. The Action is silent as to where Semple teaches that ATM transactions require use of Internet access.

Semple does not teach that during operation of a currency sheet dispenser that the ATM can provide an output responsive to an accessed Internet document. There is no correlation in Semple between operation of a currency sheet dispenser and an output responsive to a document accessed by a browser.

Semple teaches that typically a processor (224) will operate solely to provide for communication access with the Internet, and a dedicated ATM processor (226), such as known to those skilled in the art, provides overall process control for ATM transactions and interfacing with users of the (prior art) ATM system (210) (col. 4, lines 38-43). Additionally, a user can

access the Internet by pressing a "Web Access" key (230) (col. 4, lines 49-55). After a user presses the "Web Access" key (230) then the system can load web browser software out of memory to provide access to the Internet. Thus, it is clear from the Semple teaching that ATM transactions do not require Internet access. Furthermore, why would a user be required to initiate Internet access (by pressing a special key) if all ATM transactions were based on Internet access, as the Action alleges. Semple's teaching of requiring a user to initiate Internet access is evidence that all ATM transactions are not Internet based. Semple instead teaches that the system includes a usable ATM transaction function and a separately usable Internet access function.

Semple teaches that the modified ATM can provide Internet usage unrelated to conducting an ATM transaction. For example, Semple teaches that a user can surf the Internet (col. 6, lines 10-12). It is unclear how the Office relates freely surfing the Internet to providing ATM transactions. Again, Semple teaches a modified ATM with the ability to access the Internet by switching between a prior art ATM function and a separate Internet access function. Semple teaches using modified ATMs as a conveniently located Internet "port" (col. 1, lines 54-55; col. 2, lines 58-66). Semple teaches using the Internet for accessing geo-defined data, such as directions, not for providing all of the ATM transactions. Semple does not use the Internet for ATM transaction device operation as alleged.

Semple does not teach the capability of providing an output through an output device during operation of a currency sheet dispenser, where the output is provided responsive to a document accessed by a browser. Appellants respectfully submit that Semple does not disclose each and every element of the claimed invention arranged in the manner recited in the claim, as is

required to sustain the rejection. The rejection of claim 1 is based on alleged teachings of Semple, not factual showings of what Semple actually teaches. Therefore, Semple cannot anticipate claim 1.

Claim 2

Claim 2 is an independent apparatus claim. Claim 2 recites some subject matter similar to subject matter in claim 1. Appellants' remarks in support of the patentability of claim 1 are incorporated by reference as if fully rewritten herein. Semple does not use the Internet for ATM transaction device operation as alleged.

Claim 2 recites that a browser-accessed document includes instructions which are operative to provide the output through the output device and cause the computer to operate the sheet dispenser. Furthermore, the software is operative to provide the output during operation of the sheet dispenser. Semple does not teach the recited features and relationships. Semple does not teach a document including instructions which are operative to cause a computer to operate a sheet dispenser. Semple does not teach software that is operative to provide an output during operation of a sheet dispenser. It follows that Semple cannot teach the recited machine or software. Appellants respectfully submit that Semple does not disclose each and every element of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Thus, Semple cannot anticipate claim 2.

Claim 3

Claim 3 depends from claim 1 and recites that the document comprises an HTML document. The document, which is accessible by a browser, relates to providing an output

through an output device during operation of a currency sheet dispenser. Semple does not disclose using an HTML document in the manner recited. Semple does not even mention using an HTML document. Thus, Semple cannot anticipate claim 3.

Claim 4

Claim 4 is an independent apparatus claim. Claim 4 recites some subject matter similar to subject matter in claim 1. Appellants' remarks in support of the patentability of claim 1 are incorporated by reference as if fully rewritten herein. As previously discussed, Semple does not use the Internet for ATM transaction device operation as alleged.

Claim 4 recites that an automated transaction machine is operative responsive to processing an accessed dispense document to operate a sheet dispenser (responsive to a dispense instruction) and to access a first document (responsive to the dispense instruction). Semple does not teach processing an accessed dispense document (including a dispense instruction) to operate a sheet dispenser responsive to the dispense instruction. Semple does not teach processing an accessed dispense document (including a dispense instruction) and also accessing another document responsive to the dispense instruction. It follows that Semple cannot teach both to operate a sheet dispenser and to access a first document responsive to processing an accessed dispense document including a dispense instruction. Appellants respectfully submit that Semple does not disclose each and every element of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Thus, Semple cannot anticipate claim 4.

Claim 5

The Action is silent as to the recited features in claim 5, which depends from claim 4. Nevertheless, Semple does not teach that a computer is operative responsive to processing an additional device document (including an additional device instruction) to operate an additional transaction function device and to access a second document responsive to the additional device document. Semple does not anticipate claim 5.

Claim 6

Claim 6 depends from claim 4 and further recites that a dispense document includes a first document access instruction, and that the browser is capable to process the first document responsive to the first document access instruction. The Action is silent as to the recited features. Semple does not teach the recited relationship between a dispense document (including a first document access instruction) and a first document. Semple does not anticipate claim 6.

Claim 7

Claim 7 is an independent method claim. Appellants' remarks in support of the patentability of claims 1 and 2 are incorporated by reference as if fully rewritten herein. As previously discussed, Semple does not use the Internet for ATM transaction device operation as alleged.

Semple does not teach accessing a transaction device operation document (including at least one transaction device instruction) with a browser in an automated transaction machine. Semple does not relate operating a transaction device with processing of the accessed transaction device operation document. Nor does Semple relate outputting an output with processing of the

accessed transaction device operation document. It follows that Semple cannot teach automatically operating and automatically outputting responsive to processing the transaction device operation document.

The Action indicates that Semple discloses an ATM comprising a sheet dispenser. However, Semple does not teach the recited features, relationships, and steps. In Semple a sheet dispenser is not automatically operated responsive to processing an Internet document having an instruction. Nor is an output automatically outputted responsive to processing of the Internet document. Appellants respectfully submit that Semple does not disclose each and every element and step of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Thus, Semple cannot anticipate claim 7.

Claim 8

The Action is silent as to the recited step. Semple does not teach accessing a first document responsive to processing a transaction device operation document, and the output (of claim 7) being generated responsive to processing the first document. Semple does not anticipate claim 8.

Claim 9

Claim 9 depends from claim 8 which depends from claim 7. The Action is silent as to the recited steps. Semple does not teach a first transaction function device and a second transaction function device. Nor does Semple teach that a transaction device operation document is operative to cause the operation of the first transaction function device. Nor does Semple teach operating the second transaction function device in the machine responsive to accessing a further

transaction machine document. Nor does Semple teach accessing a second document responsive to receipt of the further transaction machine operation document, and outputting a further output. Semple does not anticipate claim 9.

Claim 10

The Action is silent as to Semple outputting a promotional message responsive to processing an accessed transaction device operation document. Semple does not anticipate claim 10.

Claim 11

Claim 11 depends from claim 9 which depends from claim 8 which depends from claim 7. The Action is silent on the recited outputting of first and second promotional messages. Semple does not teach an output including a first promotional message and a further output including a second promotional message. Semple does not anticipate claim 11.

Claim 12

Claim 12 depends from claim 8 which depends from claim 7. The Action is silent as to the recited steps. Semple does not correlate determining a document address to input user data which corresponds to a user. It follows that Semple cannot teach determining an address of a first document to access responsive to the user data input in the manner recited. Thus, Semple cannot anticipate claim 12.

Claim 13

Claim 13 is an independent method claim. Appellants' remarks in support of the patentability of claims 1, 2 and 7 are incorporated by reference as if fully rewritten herein. As

previously discussed, Semple does not use the Internet for ATM transaction device operation as alleged.

Semple does not teach that between at least two consecutive transaction steps, a device in an automated transaction machine automatically operates in response to an accessed document. Nor does Semple teach automatically providing an output through an output device on the machine responsive to an accessed document, during at least a portion of the device operation. Appellants respectfully submit that Semple does not disclose each and every element and step of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Thus, Semple cannot anticipate claim 13.

Claim 14

Claim 14 depends from claim 13. The Action is silent as to the recited steps. Semple does not teach automatically providing an output through an output device on the machine (responsive to an accessed document) during at least a portion of the time a currency sheet dispenser device operates. It follows that Semple cannot anticipate claim 14.

Claim 15

Claim 15 depends from claim 1. Semple does not teach outputting a promotional message responsive to an accessed document, especially during operation of a currency sheet dispenser. Therefore, Semple cannot anticipate claim 15.

Claim 16

Claim 16 depends from claim 7. Semple does not teach automatically operating a currency note dispenser device in the machine responsive to processing a transaction device

operation document with the browser. In Semple a sheet dispenser is not automatically operated responsive to processing an Internet document having an instruction as alleged. Thus, Semple cannot anticipate claim 16.

Claim 17

Claim 17 depends from claim 7. As previously discussed, Semple does not teach automatically outputting an output (responsive to processing an accessed transaction device operation document) and automatically operating a transaction device in the machine (responsive to processing an accessed transaction device operation document). It follows that Semple cannot teach that the outputting step occurs during at least a portion of the operating step. It further follows that Semple cannot anticipate claim 17.

Claim 18

Claim 18 depends from claim 13. Semple does not teach outputting a promotional message responsive to an accessed document, especially during at least a portion of the device operation. Therefore, Semple cannot anticipate claim 18.

Claim 19

Claim 19 depends from claim 13. Semple does not teach that between at least two consecutive transaction steps a currency note dispenser device in an automated transaction machine automatically operates in response to an accessed document. Nor does Semple teach automatically providing an output through a display device on the machine responsive to an accessed document during at least a portion of a currency note dispenser device operation. Thus, Semple cannot anticipate claim 19.

Claim 20

Claim 20 depends from claim 13. Semple does not teach that between at least two consecutive transaction steps a device in an automated transaction machine automatically operates in response to an accessed document. Nor does Semple teach automatically providing an output through an output device on the machine responsive to a different accessed document during at least a portion of the device operation. It follows that Semple cannot anticipate claim 20.

(iv) 35 U.S.C. § 103

The Action's rejection of claims 1-20 includes the identical rejection of claims 1-14 as presented in the Office Action dated June 19, 2001. The Action (on page 3) even mistakenly refers to "PTO-892 accompanying this action." However, the Action never addresses the subject matter of claims 15-20. Again, the Action is defective.

The Action Is Defective

The Office has not "fully and clearly stated" the rejection as is required by MPEP 707.07(d). Nor did the Office "properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply" in accordance with MPEP 706.02(j). Additionally, 37 C.F.R. § 1.104 (c) (2) regarding references requires that "the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." Also, in making a final rejection the Office shall act "clearly stating" the reasons therefor in accordance

with 37 C.F.R. § 1.113. It is respectfully submitted that the Action does not meet these burdens. For these reasons the rejections should be withdrawn.

The Action admits that Appellants' arguments have not been fully addressed (Action paragraph bridging pages 6 and 7). Therefore, it is respectfully submitted that the Office is not in compliance with MPEP 707.07(f) which clearly states "Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." Again, the Action has not met its required burden. For these reasons the rejections should be withdrawn.

Nevertheless, Appellants desire to prevent prosecution delay. Thus, Appellants request that a decision be rendered based on the facts of record as set forth in the Action dated January 29, 2002 from which their appeal was taken.

**The Pending Claims Are Not Obvious Over
U.S. Bancorp**

In the Action claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the U.S. Bancorp article. These rejections are respectfully traversed. Appellants' remarks concerning the claim rejections in no way waive their rights to have the rejections relying on the U.S. Bancorp reference stricken for the reasons presented herein.

Also, Appellants note the Office's statement (Action paragraph bridging pages 6 and 7) that Appellants' arguments regarding U.S. Bancorp "are now largely moot in view of the new grounds of rejection of claims 1-14 and new claims 15-20 as being anticipated by Semple." Appellants interpret the Office's statement to indicate that the rejections based on U.S. Bancorp are now moot. For these reasons the rejections based on U.S. Bancorp should be withdrawn.

The U.S. Bancorp Article Does Not Constitute Prior Art

Appellants traverse the allegation that the U.S. Bancorp article is a legitimate prior art document. Appellants question the accuracy of the date and subject matter of the apparently electronic document. Appellants again request evidence of the validity of this document. Appellants again request a non-electronic copy version of this allegedly published U.S. Bancorp article.

The Office has presented no proof that an electronic document version of the U.S. Bancorp article was accessible to members of the public prior to Appellants' filing date. Appellants again challenge the alleged creation (and/or alleged publicly accessible) date of the electronic document as a prior art date. The Office has not shown that the information relied upon in the electronic document version is identical to an earlier-published (prior art) non-electronic copy version. Therefore, the relied upon U.S. Bancorp article does not constitute a printed publication nor prior art. Appellants respectfully request that the rejections be withdrawn on this basis.

The 35 U.S.C. § 103 Rejections Are Traversed

Appellants traverse these rejections on the grounds that Appellants' claims recite features which are neither disclosed nor suggested in the cited reference, and because there is no teaching, suggestion, or motivation cited so as to produce Appellants' invention. The features recited in Appellants' claims patentably distinguish over the applied reference.

As noted above, the U.S. Bancorp article does not constitute prior art. Nevertheless, even if it were somehow possible for the U.S. Bancorp article to constitute prior art, it still would not have been obvious to have modified the U.S. Bancorp article to have produced the claimed invention.

The attempt to modify the teaching of the U.S. Bancorp article is clearly an attempt at hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir. 1992). The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure. It follows that it would not have been obvious to have modified the reference in the manner alleged. Furthermore, without a motivation to combine, which is the current situation, a rejection based on a *prima facie* case of obviousness is improper (MPEP § 2143.01).

The applied U.S. Bancorp article neither discloses nor suggests the recited features and relationships. Nor would it have been obvious to one having ordinary skill in the art to have provided U.S. Bancorp with the recited features and relationships as alleged. Nor has any evidence been presented that U.S. Bancorp is structurally and functionally capable of including

the recited features and relationships in the manner recited in Appellants' claims. The Action is also silent as to how the recited features could be included in U.S. Bancorp in the manner recited. Thus, it would not have been obvious to one having ordinary skill in the art to have modified the U.S. Bancorp article as alleged to have produced the recited invention. The Office does not factually support any *prima facie* conclusion of obviousness. If the Office does not produce a *prima facie* case, which is the current situation, then the Appellants are under no obligation to submit evidence of nonobviousness (MPEP § 2142). Thus, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections should be withdrawn.

The Action admits that U.S. Bancorp fails to disclose or suggest that a "customer's automated banking machine PC has a sheet dispenser mechanism operatively responsive to receipt of at least one HTML format document by the browser, so as to dispense an output through an output device of the automated banking machine PC, or that the U.S. Banker system can be used in an ATM machine to remotely access the on-line bank." That is the Action admits that U.S. Bancorp lacks:

- 1.) an automated banking machine having a sheet dispenser mechanism operatively responsive to receipt of a document by a browser.
- 2.) an automated banking machine that is able to provide an output through an output device of the automated banking machine based on receipt of a document by a browser.
- 3.) use of an ATM machine to remotely access an on-line bank.

The Action has not rebutted these previously noted admissions as set forth in Appellants' amendment filed August 27, 2001. Appellants agree that U.S. Bancorp is deficient in the

features for which it is relied upon in the Action. Appellants respectfully submit that U.S. Bancorp also lacks many other recited features and relationships (in addition to those admitted as missing).

The Action asserts "official notice" concerning several features. Appellants previously respectfully traversed the official notice assertions on the basis that they are not supported by any reference to prior art. The Office is not permitted to rely merely on assertions of "official notice" as the basis for rejecting claims. Appellants previously challenged all rejections based upon alleged "official notice." When challenged the Office is required to establish such assertions in the proper manner through citation to prior art. However, the Action has provided no citation to any prior art supporting the assertions of "official notice." Thus, compliance by the Office with MPEP § 2144.03 has not been satisfied. For these reasons the rejections based on "official notice" are improper should be withdrawn.

Claim 1

Claim 1 recites a currency sheet dispenser.

Appellants challenge the Office's assertion that "HTML web pages controlling the functioning of any and all of the myriad of banking functions of the US BANKER PC including the function of providing output through an output device and dispensing of at least one sheet or note from a printer associated with the PC" was well known.

Appellants again challenge the rationale that a PC printer could constitute a currency sheet dispenser. Appellants again request prior art evidence of dispensing a currency note from a PC printer. Otherwise, the rejection is without basis. Where does U.S. Bancorp teach that a PC

is able to dispense a currency sheet? U.S. Bancorp is not capable of printing (counterfeiting) currency notes by using a PC, which (if even possible) would have been illegal. Nor would such an action have been obvious to one having ordinary skill in the art. It follows that U.S. Bancorp's home banking PC cannot constitute the recited automated transaction machine. Nor can a PC printer constitute the recited currency sheet dispenser.

Appellants also again challenge the rationale that "providing output through an output device and dispensing of at least one sheet or note from a printer associated with the PC" was well known with regard to an automated transaction machine. The Action admits that U.S. Bancorp lacks an automated banking machine that is able to dispense an output through an output device of the automated banking machine based on receipt of a document by a browser. It follows that U.S. Bancorp also lacks a machine that is able to provide an output through an output device responsive to a browser accessed document during operation of a currency sheet dispenser. Appellants request prior art evidence of an automated transaction machine that was able to provide an output through an output device responsive to a document accessed by a browser during operation of the printer. That is, the evidence must show that the output is related to the accessed document, and that the output is through an output device during operation of the printer. Compliance by the Office with MPEP § 2144.03 is again respectfully requested. Furthermore, even if it were somehow possible for the Office to produce supporting prior art, a PC printer would still not constitute a currency sheet dispenser. Nor has the Action explained how U.S. Bancorp could have been modified to have included the recited features and

relationships. Nor would it have been obvious to have modified U.S. Bancorp to have produced the recited invention.

Appellants also again request evidence of "web pages controlling" the banking functions of a PC. Appellants again request prior art evidence of web pages "controlling" the dispense of "at least one sheet or note from a printer associated with the PC." U.S. Bancorp does not disclose or suggest such features. Nevertheless, as previously discussed, a PC printer does not constitute the recited currency sheet dispenser. Appellants further again request evidence of an automated transaction machine that is able to provide an output through an output device responsive to a document accessed by a browser, and during operation of a currency sheet dispenser. Furthermore, it would not have been obvious for a user of a home PC to release control of their PC to outside web pages.

Even if it were somehow possible for U.S. Bancorp to have produced an output responsive to receipt of at least one document (which U.S. Bancorp doesn't), then there would still be no indication that the output would occur during operation of a currency sheet dispenser. That is, a modified U.S. Bancorp would still not disclose or suggest an automated transaction machine involving a document, output device, and currency sheet dispenser relationship in the manner recited. Thus, it would not have been obvious to have modified U.S. Bancorp to have produced the claimed invention.

Additionally, the Action admits that U.S. Bancorp lacks use "in an ATM machine to remotely access the on-line bank." The Action alleges that it would have been obvious to use the

system of U.S. Bancorp in "a regular ATM machine rather than a home PC, so as to increase on-line banking access to the citizens that did not have a home PC."

The Appellants disagree. The Action is silent as to how the system of U.S. Bancorp could be operationally included in "a regular ATM machine." As previously discussed, the system of U.S. Bancorp (even if modified as alleged) would not teach the recited features and relationships. Thus, nor would the system of U.S. Bancorp if somehow placed in "a regular ATM machine" teach the recited features and relationships. Furthermore, there would be no motivation for a citizen to use the alleged modified ATM (having the system of U.S. Bancorp) when they could use a full service branch or even a regular ATM. There is no indication that the alleged modified ATM would be able to serve citizens any better or have more availability than a full service branch. Furthermore, PC home banking is based on convenience. There is no indication in U.S. Bancorp that convenience would be increased by requiring a customer to leave the home PC environment. Contrarily, the entire U.S. Bancorp article is directed to using the home PC. Thus, the Action's allegation of using the system of U.S. Bancorp in a regular ATM machine, which would be remote from the PC user's home, goes directly against the teaching of U.S. Bancorp.

A reference teaching away from the recited invention does not support prima facie obviousness. Also, an obviousness rejection cannot be based on a combination of features if making the combination would result in destroying the utility or advantage of the device shown in the prior art. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988). As the combination of features asserted in the Action would destroy the utility and advantages of the U.S. Bancorp reference, it

is respectfully submitted that the rejection is improper and should be withdrawn. Additionally, the only suggestion for having the alleged ATM of the Action is found in Appellants' own novel disclosure. It follows that the alleged modification of U.S. Bancorp (and the rejection) is based on hindsight reconstruction of the recited invention based on Appellants' disclosure, which is impermissible. Therefore, it would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the claimed invention. Nor does U.S. Bancorp teach or suggest the recited features and relationships. Thus, the Office has not presented a *prima facie* showing of obviousness.

Claim 2

Claim 2 is an independent apparatus claim. Claim 2 recites some subject matter similar to subject matter in claim 1. Appellants' remarks in support of the patentability of claim 1 regarding the U.S. Bancorp reference are incorporated by reference as if fully rewritten herein.

Claim 2 recites that a browser-accessed document includes instructions which are operative to provide the output through the ATM output device and cause the computer to operate the sheet dispenser. Furthermore, the software is operative to provide the output during operation of the sheet dispenser. As previously discussed, U.S. Bancorp does not disclose or suggest a machine that is able to provide an output through an output device responsive to a browser accessed document during operation of a sheet dispenser. The Action is silent as to the recited features. U.S. Bancorp does not disclose or suggest the recited software or machine. Nor would it have been obvious to have modified U.S. Bancorp to have produced the recited invention. Again, the Office has not presented a *prima facie* showing of obviousness.

Claim 3

Claim 3 refers to the document comprising an HTML document. The document, which is accessible by a browser, relates to providing an output through an output device during operation of a currency sheet dispenser. U.S. Bancorp does not disclose or suggest using an HTML document in the manner recited. The Office has not presented a *prima facie* showing of obviousness.

Claim 4

Claim 4 is an independent apparatus claim. Claim 4 recites some subject matter similar to subject matter in claim 1. Appellants' remarks in support of the patentability of claim 1 regarding the U.S. Bancorp reference are incorporated by reference as if fully rewritten herein.

Claim 4 recites that a machine is operative responsive to processing a dispense document to operate a sheet dispenser responsive to a dispense instruction and to access the first document responsive to the dispense instruction. U.S. Bancorp does not disclose or suggest processing a dispense document including a dispense instruction and then accessing another document responsive to the dispense instruction. Furthermore, as previously discussed, U.S. Bancorp does not disclose or suggest a machine that is able to provide an output through an output device responsive to a browser accessed document during operation of a sheet dispenser.

The Action (e.g., page 5) alleges that a modified U.S. Bancorp would have "web pages including dispense instructions embedded therein so as to control the sheet dispenser and the output of sheets or notes." The Appellants disagree. The Action has provided no prior art evidence of an accessed web document having instructions therein for controlling a sheet

dispenser. Nor has the Action shown a computer operative to operate a sheet dispenser responsive to a dispense document's dispense instruction.

Therefore, it would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the recited invention. Nor does U.S. Bancorp teach or suggest the recited features and relationships. Thus, the Office has not presented a *prima facie* showing of obviousness.

Claim 5

The Action is silent as to the recited features. U.S. Bancorp does not disclose or suggest that a computer is operative responsive to processing an additional device document to operate an additional transaction function device and is operative to access a second document responsive to the additional device document. It follows that the Office has not presented a *prima facie* showing of obviousness.

Claim 6

Claim 6 recites that a dispense document includes a first document access instruction, and that the browser is capable to process the first document responsive to the first document access instruction. The Action is silent as to the recited features. Nor does U.S. Bancorp disclose or suggest the recited relationship between a dispense document and a first document. The Office has not presented a *prima facie* showing of obviousness.

Claim 7

Claim 7 is an independent method claim. Appellants' remarks in support of the patentability of claims 1 and 2 regarding the U.S. Bancorp reference are incorporated by reference as if fully rewritten herein.

U.S. Bancorp does not disclose or suggest accessing a transaction device operation document (which includes a transaction device instruction) with a browser in an automated transaction machine. Where does U.S. Bancorp even discuss a transaction device operation document? U.S. Bancorp does not relate operating a transaction device with the processing of the transaction device operation document (which includes a transaction device instruction). Nor does U.S. Bancorp relate outputting an output with the processing of the transaction device operation document. It follows that U.S. Bancorp cannot disclose or suggest automatically operating or automatically outputting responsive to processing the transaction device operation document.

Therefore, it would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the claimed invention. Nor does U.S. Bancorp teach or suggest the recited features and relationships. Thus, the Office has not presented a *prima facie* showing of obviousness.

Claim 8

The Action is silent as to the recited features and relationships. U.S. Bancorp does not disclose or suggest accessing a first document responsive to processing a transaction device

operation document, and having an output generated responsive to processing the first document. Again, the Office has not presented a *prima facie* showing of obviousness.

Claim 9

Claim 9 depends from claim 8 which depends from claim 7. The Action is silent as to the recited steps. U.S. Bancorp does not disclose or suggest a first transaction function device and a second transaction function device. Nor does U.S. Bancorp disclose or suggest that a transaction device operation document (which includes a transaction device instruction) is operative to cause the operation of a transaction function device. Nor does U.S. Bancorp disclose or suggest operating a second transaction function device in a machine responsive to accessing a further transaction machine document. Nor does U.S. Bancorp disclose or suggest accessing a second document responsive to receipt of a further transaction machine operation document, and outputting a further output responsive to processing the second document. The Office has not presented a *prima facie* showing of obviousness.

Claim 10

The Action is silent on outputting a promotional message. U.S. Bancorp does not disclose or suggest an output including a promotional message. Again, the Office has not presented a *prima facie* showing of obviousness.

Claim 11

Claim 11 depends from claim 9 which depends from claim 8 which depends from claim 7. The Action is silent on outputting promotional messages. U.S. Bancorp does not disclose or suggest an output including a promotional message and a further output including a second

promotional message. It follows that the Office has not presented a *prima facie* showing of obviousness.

Claim 12

The Action is silent as to the recited steps. U.S. Bancorp does not disclose or suggest determining an address of a first document to access responsive to user data inputted in the manner recited.

Claim 12 depends from claim 8 which depends from claim 7. The Action is silent as to the recited steps. U.S. Bancorp does not correlate determining a document address to input user data which corresponds to a user. It follows that U.S. Bancorp cannot disclose or suggest determining an address of a first document to access responsive to the user data input in the manner recited. It would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the claimed invention. Nor has the Office presented a *prima facie* showing of obviousness.

Claim 13

Claim 13 is an independent method claim. Appellants' remarks in support of the patentability of claims 1, 2 and 7 regarding the U.S. Bancorp reference are incorporated by reference as if fully rewritten herein.

U.S. Bancorp does not disclose or suggest that between at least two consecutive transaction steps, a device in an automated transaction machine automatically operates in response to an accessed document. Nor does U.S. Bancorp disclose or suggest automatically

providing an output through an output device on the machine responsive to an accessed document during at least a portion of the device operation.

Therefore, it would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the claimed invention. Nor does U.S. Bancorp teach or suggest the recited features and relationships. Thus, the Office has not presented a *prima facie* showing of obviousness.

Claim 14

The Action is silent as to the recited steps. U.S. Bancorp does not disclose or suggest a request to dispense a currency sheet. Nor does U.S. Bancorp disclose or suggest automatically providing an output through an output device on an automated transaction machine (responsive to an accessed document) during at least a portion of the time a currency sheet dispenser device operates. It follows that the Office has not presented a *prima facie* showing of obviousness.

Claim 15

Claim 15 depends from claim 1. The Action is silent as to the recited features and relationships. U.S. Bancorp does not disclose or suggest outputting a promotional message responsive to an accessed document, especially during operation of a currency sheet dispenser. Nor has the Office presented a *prima facie* showing of obviousness.

Claim 16

Claim 16 depends from claim 7. The Action is silent as to the recited method. As previously discussed, U.S. Bancorp does not disclose or suggest a currency note dispenser device. Further, U.S. Bancorp does not disclose or suggest automatically operating a currency

note dispenser device in the machine responsive to processing a transaction device operation document with the browser. Thus, the Office has not presented a *prima facie* showing of obviousness.

Claim 17

Claim 17 depends from claim 7. The Action is silent as to the recited method. As previously discussed, U.S. Bancorp does not disclose or suggest automatically outputting an output (responsive to processing an accessed transaction device operation document) and automatically operating a transaction device in the machine (responsive to processing an accessed transaction device operation document). It follows that U.S. Bancorp cannot disclose or suggest that the outputting step occurs during at least a portion of the operating step. It further follows that it would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the claimed invention. The Office has not presented a *prima facie* showing of obviousness.

Claim 18

Claim 18 depends from claim 13. The Action is silent as to the recited method. U.S. Bancorp does not disclose or suggest outputting a promotional message responsive to an accessed document, especially during at least a portion of the device operation. Nor has the Office presented a *prima facie* showing of obviousness.

Claim 19

Claim 19 depends from claim 13. The Action is silent as to the recited method. As previously discussed, U.S. Bancorp does not disclose or suggest a currency note dispenser

device. Further, U.S. Bancorp does not disclose or suggest that between at least two consecutive transaction steps, a currency note dispenser device in an automated transaction machine automatically operates in response to an accessed document. Nor does U.S. Bancorp disclose or suggest automatically providing an output through a display device on the machine responsive to an accessed document during at least a portion of a currency note dispenser device operation. The Office has not presented a *prima facie* showing of obviousness.

Claim 20

Claim 20 depends from claim 13. The Action is silent as to the recited method. U.S. Bancorp does not disclose or suggest that between at least two consecutive transaction steps, a device in an automated transaction machine automatically operates in response to an accessed document. Nor does U.S. Bancorp disclose or suggest automatically providing an output through an output device on the machine responsive to a different accessed document during at least a portion of the device operation. It follows that it would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the claimed invention. The Office has not presented a *prima facie* showing of obviousness.

Additional Comments On The Rejections Based Upon "Official Notice"

Appellants respectfully disagree with and again challenge the "official notice" basis for rejections. Appellants also respectfully disagree with the Action's (on page 6) "official notice that the limitations of claims 7-14 do not define anything new over that, which was known, to one of ordinary skill in the art of web browser software and networking at the time that the

invention was made", especially in view of the Action's reliance on many features that are admittedly absent in U.S. Bancorp.

Furthermore, if the recited features were related to "facts outside of the record which are capable of instant and unquestionable demonstration" (MPEP 2144.03) then why haven't these "facts" been clearly evidenced? That is, if Appellants' recited features were so instantly and readily available in prior art references, then why haven't the references been revealed and applied? Rejections based on art not of record are improper. Additionally, the lack of referenced pertinent prior art when the Office had ample opportunity to produce such, especially in view of the Office's vast resources of prior art search capabilities, is taken by Appellants as an admission by the Office that the asserted "official notice" features do not exist as prior art. The facts of record show that the rejections based on "official notice" are improper. For these reasons the rejections based on "official notice" should be withdrawn.

Furthermore, even if it were somehow possible for the U.S. Bancorp article to constitute prior art and it were somehow possible to show the admittedly absent features as well known, then it still would not have been obvious to one having ordinary skill in the art to have modified U.S. Bancorp to have produced the recited invention. Nor would it have been obvious to have modified U.S. Bancorp with the alleged teachings of the official notices. Nor has any evidence been presented that U.S. Bancorp is structurally and functionally capable of including the recited features and relationships in the manner recited. The Action is also silent as to how the recited features could be included in U.S. Bancorp in the manner specifically recited. Nor would it have been obvious to one having ordinary skill in the art to have provided U.S. Bancorp with the

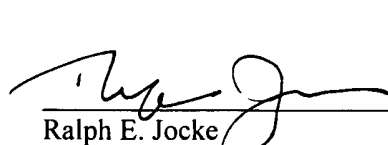
recited features and relationships as alleged. Appellants' claims recite features and relationships which are neither disclosed nor suggested in the prior art. Nor has any teaching, suggestion, or motivation been cited so as to produce Appellants' invention. The Office does not factually support any *prima facie* conclusion of obviousness. Thus, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections should be withdrawn.

The Office is again reminded that in accordance with MPEP 2144.03, any "official notice" reference added as evidence of a prior assertion is limited to proof of the "well known" prior statement in the Action, and the Office cannot rely on any other teachings in the reference. Therefore, any added reference (without constituting a new ground of rejection) is strictly limited to a specific showing of features alleged to be well known.

CONCLUSION

Each of Appellants' pending claims specifically recites features, relationships, and/or steps that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any teaching, suggestion, or motivation for combining features of the applied art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,


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Reg. No. 31,029

APPENDIX

CLAIMS

1. Apparatus comprising:

an automated transaction machine including:

an output device;

a currency sheet dispenser;

a computer in operative connection with the output device and the
currency sheet dispenser; and

software executable in the computer, wherein the software includes a
browser, and wherein during operation of the currency sheet dispenser the
software is operative to provide an output through the output device
responsive to a document accessed by the browser.

2. Apparatus comprising:

an automated transaction machine including:

an output device;

a sheet dispenser;

a computer in operative connection with the output device and the sheet dispenser;

software executable in the computer, wherein the software includes a browser, and wherein during operation of the sheet dispenser the software is operative to provide an output through the output device responsive to a first document accessed by the browser;

wherein the first document includes instructions which are operative when processed by the browser to provide the output through the output device, and to cause the computer to operate the sheet dispenser to dispense a sheet.

3. The apparatus according to claim 1 and further comprising:

at least one server;

a plurality of HTML documents accessible through the server, wherein the document comprises a first HTML document and is accessible through the server; and

wherein the browser is operative to access the first HTML document through the server.

4. Apparatus comprising:

at least one server;

a plurality of documents accessible through the server, wherein a first document is accessible through the server;

an automated transaction machine including:

an output device;

a sheet dispenser;

a computer in operative connection with the output device and the sheet dispenser;

software executable in the computer, wherein the software includes a browser, wherein the browser is operative to access the first document through the server, and wherein during operation of the sheet dispenser the software is operative to provide an output through the output device responsive to the first document accessed by the browser;

wherein the documents accessible through the at least one server includes a dispense document including a dispense instruction, and wherein the computer is operative responsive to processing the dispense document with the browser to operate the sheet dispenser responsive to the dispense instruction, and wherein the machine is operative to access the first document with the browser responsive to the dispense instruction.

5. The apparatus according to claim 4 wherein the machine comprises at least one additional transaction function device, and wherein the plurality of documents accessible through the at least one server includes an additional device document, wherein the additional device document includes an additional device instruction, and wherein the plurality of documents further includes a second document, and wherein the computer is operative responsive to processing the additional device document with the browser to operate the additional transaction function device responsive to the additional device instruction, and wherein the computer is operative to access the second document with the browser responsive to the additional device document.

6. The apparatus according to claim 4 wherein the dispense document includes a first document access instruction, and wherein the browser processes the first document responsive to the first document access instruction.

7. A method comprising the steps of:

accessing a transaction device operation document with a browser in an automated transaction machine, the transaction device operation document including at least one transaction device instruction;

automatically operating a transaction device in the machine responsive to processing the transaction device operation document with the browser; and

automatically outputting with an output device on the machine an output responsive to processing the transaction device operation document with the browser.

8. The method according to claim 7 and further comprising the step of:

accessing a first document with the browser responsive to processing the transaction device operation document accessed in the accessing step, wherein in

the outputting step the output is generated responsive to processing the first document by the browser.

9. The method according to claim 8 wherein the transaction machine includes a first transaction function device and a second transaction function device, and wherein a transaction device operation document is operative to cause the operation of the first transaction function device in the operating step, and further comprising the steps of:

further accessing a further transaction machine operation document with the browser;

further operating the second transaction function device in the machine responsive to accessing the further transaction machine document with the browser;

further accessing a second document with the browser responsive to receipt of the further transaction machine operation document; and

further outputting a further output with the output device of the machine responsive to processing the second document with the browser.

10. The method according to claim 7 wherein the output includes a promotional message.

11. The method according to claim 9 wherein the output includes a first promotional message and the further output includes a second promotional message.

12. The method according to claim 8 and prior to the accessing step further comprising the steps of:

inputting user data corresponding to a first user into an input device of the automated transaction machine;

and prior to the step of accessing the first document, further comprising the step of determining an address of a first document to access responsive to the user data input in the inputting step.

13. A method comprising the steps of:

a) accessing at least one document with a browser in an automated transaction machine;

b) executing a series of transaction steps with an automated transaction machine wherein between at least two consecutive transaction steps a device in the machine automatically operates in response to an accessed document;

c) automatically providing an output through an output device on the machine responsive to an accessed document during at least a portion of the device operation.

14. The method according to claim 13 wherein step (b) includes a transaction step including a request to dispense at least one currency sheet, wherein a currency sheet dispenser device operates responsive to the request transaction step, and wherein output in step (c) is provided during at least a portion of the time the currency sheet dispenser device operates.

15. The apparatus according to claim 1 wherein the output includes a promotional message.

16. The method according to claim 7 wherein the transaction device includes a currency note dispenser device operative to dispense at least one currency note.

17. The method according to claim 7 wherein the outputting step occurs during at least a portion of the operating step.

18. The method according to claim 13 wherein the output includes a promotional message.

19. The method according to claim 13 wherein the device includes a currency note dispenser device operative to dispense at least one currency note, and the output device includes a display device.

20. The method according to claim 13 wherein the document accessed in step (b) differs from the document accessed in step (c).

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Ralph E. Jocke

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April 30, 2002

Board of Patent Appeals and Interferences
Commissioner for Patents
Washington, D.C. 20231

Re: **Application Serial No.:** 09/193,791
Confirmation No.: 2451
Appellants: Jay Paul Drummond, et al.
Title: Automated Banking Machine
Apparatus and System
Docket No.: D-1077+5

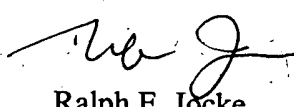
Sir:

Please find enclosed the Brief of Appellants pursuant to 37 C.F.R. § 1.192 in-triplicate for filing in the above-referenced application.

It is believed that no extension of time is required. However, if such an extension is required then please consider this a petition therefore.

Please charge the fee required with this filing (\$320) and any other fee due to Deposit Account 09-0428.

Very truly yours,


Ralph E. Jocke
Reg. No. 31,029

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